

### **Amendments to Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

### **What is Claimed:**

1. (Currently Amended) A method of determining network conditions, the method comprising:

determining a ~~transmission period~~ transmission time equal to a clock time minus a time stamp associated with a data packet, ~~said transmission period being substantially the time elapsed between sending the data packet and receiving the data packet;~~

subtracting a base time from the ~~transmission period~~ transmission time to determine a transmission latency; and

modifying the base time in response to the transmission latency being less than ~~[[0 ]]~~ zero.

2. (Currently Amended) The method of claim 1, wherein determining the ~~transmission period~~ transmission time includes:

reading ~~[[a ]]~~ the timestamp included in the data packet, wherein the timestamp includes the time that the data packet was sent; and

modifying the time of the timestamp to account for any clock skew.

3. (Original) The method of claim 1, additionally comprising reporting to a software module the transmission latency.

4. (Previously Presented) The method of claim 1, wherein the data packet is one of a plurality of data packets that collectively comprise a portion of a media presentation rendered to a user.

5. (Previously Presented) The method of claim 4, wherein the plurality of data packets are received via a modem.

6. (Currently Amended) A latency detector for determining a latency in data communication, the latency detector configured to:

determine a ~~transmission period~~ transmission time equal to a clock time minus a time stamp associated with a data packet, ~~said transmission period being substantially the time elapsed between sending the data packet and receiving the data packet;~~

subtract a base time from the ~~transmission period~~ transmission time to determine a transmission latency; and

in response to the transmission latency being less than ~~[[0 ]]~~ zero, modify the base time.

7. (Previously Presented) The latency detector of claim 6, wherein the latency detector is a program configured to be executed by a computer.

8. (Previously Presented) The latency detector of claim 6, wherein the latency detector reports the transmission latency to a packet receiver.

9. (Previously Presented) The latency detector of claim 6, wherein the data packet is one of a plurality of data packets that collectively provide a streaming media presentation.

10. (Previously Presented) The latency detector of claim 6, additionally comprising a modem for receiving the data packet.

11. (Currently Amended) An electronic device for determining network conditions, the device comprising:

means for determining a ~~transmission period~~ transmission time equal to a clock time minus a time stamp associated with a data packet; ~~said transmission period being substantially the time elapsed between sending the data packet and receiving the data packet;~~

means for subtracting a base time from the ~~transmission period~~ transmission time to determine a transmission latency; and

means for modifying the base time in response to the transmission latency being less than ~~[[0 ]]~~ zero.

12. (Currently Amended) The electronic device of claim 11, wherein determining the ~~transmission period~~ transmission time includes:

means for reading ~~[[a ]]~~ the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

means for modifying the time of the timestamp to account for any clock skew.

13. (Original) The electronic device of claim 11, additionally comprising means for reporting to a software module the transmission latency.

14. (Previously Presented) The electronic device of claim 11, wherein the data packet is one of a plurality of data packets that collectively comprise a portion of a media presentation rendered to a user.

15. (Previously Presented) The electronic device of claim 14, wherein the plurality of data packets are received via a modem.

16. (Currently Amended) A system comprising:

a computer comprising:

a packet receiver operable to receive a data packet via a network;

and

a latency detector operable to:

determine a ~~transmission period~~ transmission time equal to a clock time minus a time stamp associated with the data packet;  
~~said transmission period being substantially the time elapsed between sending the data packet and receiving the data packet;~~

subtract a base time from the ~~transmission period~~ transmission time to determine a transmission latency; and

modify the base time in response to the transmission latency being less than ~~[[0 ]]~~ zero.

17. (Original) The system of claim 16, wherein the latency detector reports the transmission latency to the packet receiver.

18. (Previously Presented) The system of claim 16, wherein the data packet is one of a plurality of data packets that collectively provide a streaming media presentation.

19. (Previously Presented) The system of claim 16, additionally comprising a modem for receiving the data packet.

20. (Currently Amended) A computer-readable storage medium storing a program that, when executed by a computer, causes the computer to:

determine a ~~transmission period~~ transmission time equal to a clock time minus a time stamp associated with a data packet, ~~said transmission period being substantially the time elapsed between sending the data packet and receiving the data packet;~~

subtract a base time from the ~~transmission period~~ transmission time to determine a transmission latency; and

modify the base time in response to the transmission latency being less than ~~[[0 ]]~~ zero.

21. (Currently Amended) The program storage device of claim 20 wherein, to determine the ~~transmission period~~ transmission time, the program, when executed by the computer, causes the computer to:

read ~~[[a ]]~~ the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

modify the time of the timestamp to account for any clock skew.

22. (Previously Presented) The program storage device of claim 20, wherein the program, when executed by the computer, further causes the computer to report to a software module the transmission latency.

23. (Currently Amended) The storage medium of claim 20, wherein, to determine the ~~transmission period~~ transmission time, the program, when executed by the computer, causes the computer to read ~~[[a ]]~~ the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

24. (Currently Amended) The storage medium of claim 23, wherein, to determine the ~~transmission period~~ transmission time, the program, when executed by the computer, causes the computer to subtract the timestamp from a timestamp associated with when the data packet was received.

25. (Currently Amended) The method of claim 1 wherein determining the ~~transmission period~~ transmission time includes reading ~~[[a]]~~ the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

26. (Previously Presented) The method of claim 25 wherein determining the transmission period includes:

subtracting the timestamp from a timestamp associated with when the data packet was received.

27. (Currently Amended) The method of claim 1 wherein the base time comprises a previous determination of the ~~transmission period~~ transmission time for a data packet.

28. (Currently Amended) The method of claim 1 wherein modifying the base time comprises subtracting from the base time the most recently obtained ~~transmission period~~ transmission time.

29. (Currently Amended) The method of claim 1 wherein modifying the base time comprises subtracting from the base time the absolute value of the most recently determined ~~transmission period~~ transmission time.

30. (Currently Amended) The method of claim 25 wherein ~~[[a]]~~ the timestamp comprises a clock value and/or a counter value.

31. (Currently Amended) The method of claim 1 further comprising:  
determining a ~~transmission period~~ transmission time for a data packet received subsequent to a first data packet; and  
subtracting the base time from the ~~transmission period~~ transmission time for the subsequent data packet to determine a transmission latency relative to the subsequent data packet.
32. (Currently Amended) The method of claim 1:  
wherein the base time is modified to become a second base time; and further comprising:  
determining a ~~transmission period~~ transmission time for receiving a second data packet;  
subtracting the second base time from the ~~transmission period~~ transmission time to determine a second transmission latency; and  
in response to the second transmission latency being less than 0, modifying the second base time.
33. (Currently Amended) The method of claim 1, further comprising modifying the ~~transmission period~~ transmission time to account for any clock skew.
34. (Currently Amended) The latency detector of claim 6 wherein, to determine the ~~transmission period~~ transmission time, the detector is configured to read ~~the~~ the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.
35. (Currently Amended) The latency detector of claim 34 wherein, to determine the ~~transmission period~~ transmission time, the detector is configured to

subtract the timestamp from a timestamp associated with when the data packet was received.

36. (Currently Amended) The latency detector of claim 6 wherein, to determine the ~~transmission period~~ transmission time, the detector is configured to:

read ~~[[a ]]~~the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

modify the time of the timestamp to account for any clock skew.

37. (Currently Amended) The latency detector of claim 6 wherein a base time comprises a determination of the ~~transmission period~~ transmission time for a data packet.

38. (Currently Amended) The latency detector of claim 6 wherein, to determine the base time, the detector is configured to subtract from the base time the most recently obtained ~~transmission period~~ transmission time.

39. (Currently Amended) The latency detector of claim 6 wherein, to determine the base time, the detector is configured to subtract from the base time the absolute value of the most recently obtained ~~transmission period~~ transmission time.

40. (Currently Amended) The latency detector of claim 34 wherein ~~[[a ]]~~the timestamp comprises a clock value and/or a counter value.

41. (Currently Amended) The latency detector of claim 6, wherein the detector is further configured to modify the ~~transmission period~~ transmission time to account for any clock skew.



42. (Currently Amended) The system of claim 16 wherein, to determine the ~~transmission period~~ transmission time, the latency detector is operable to read ~~[[a ]]~~the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

43. (Currently Amended) The system of claim 42 wherein, to determine the ~~transmission period~~ transmission time, the latency detector is operable to subtract the timestamp from the timestamp associated with when the data packet was received.

44. (Currently Amended) The system of claim 16 wherein, to determine the ~~transmission period~~ transmission time, the latency detector is operable to:

read ~~[[a ]]~~the timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and  
modify the time of the timestamp to account for any clock skew.

45. (Currently Amended) The system of claim 16 wherein a base time comprises a determination of the ~~transmission period~~ transmission time for a data packet.

46. (Previously Presented) The system of claim 16 wherein, to determine the base time, the detector is configured to subtract from the base time the most recently obtained transmission latency.

47. (Previously Presented) The system of claim 16 wherein, to determine the base time, the detector is configured to subtract from the base time the absolute value of the most recently obtained transmission latency.

48. (Currently Amended) The system of claim 16 wherein ~~[[a ]]~~the timestamp comprises a clock value and/or a counter value.

49. (Previously Presented) The storage medium of claim 20 wherein, to modify the base time, the program, when executed by the computer, causes the computer to subtract from the base time the most recently obtained transmission latency.

50. (Currently Amended) The method of claim 1, further comprising determining the base time using a ~~transmission period~~ transmission time of one or more previously-sent data packets.

51. (Currently Amended) The latency detector of claim 6, further comprising determining the base time as being equal to a ~~transmission period~~ transmission time of one or more previously-sent data packets.

52. (Currently Amended) The storage medium of claim 20, wherein the program, when executed by the computer, further causes the computer to determine the base time as being related to a ~~transmission period~~ transmission time of one or more previously-sent data packets.